

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

NOTICE OF REMOVAL

Pursuant to 28 USC § 1446, Defendant Quicken Loans, Inc. (“Quicken”) files this Notice of Removal. This Notice of Removal is signed by the undersigned attorney for Quicken pursuant to Rule 11 of the Federal Rules of Civil Procedure.

Bexar County Litigation

1. Quicken Loans, Inc. is a Defendant in a civil action currently pending in the 407th District Court of Bexar County, Texas under cause number 2019CI10993 styled *Pablo E. Gay and Anna J. Subia aka Anna J. Subia-Gay v. Quicken Loans, Inc.* The San Antonio Division of the United States District Court for the Western District of Texas is the district and division which should consider this litigation. 11 U.S.C. §124(d)(4).

2. Quicken Loans, Inc. has not been served with process. Quicken files this removal within the time frame contemplated under the removal statute, 28 U.S.C. §1446. This removal is timely.

3. Plaintiffs filed a previous action in the Bexar County District Court asserting the same claims against Quicken. That matter was removed to this Court under case number 5:19-cv-00387-

OLG. Plaintiffs voluntarily dismissed the first case by Notice of Voluntary Dismissal filed therein on May 31, 2019. Plaintiffs brought this proceeding in the Bexar County District Court the same day.

Short and Plain Statement of the Grounds for Removal

• **Quicken Loans, Inc.**

4. The action removed by Quicken is a civil action brought in a State court of which the district courts of the United States have original jurisdiction. This Court has original subject matter jurisdiction over this proceeding pursuant to 28 USC §1332 (a) – Diversity of Citizenship. Plaintiffs, Pablo E. Gay and Anna J. Subia aka Anna J. Subia-Gay (“Plaintiffs”) are citizens of the State of Texas. Quicken Loans, Inc. is a corporation organized under the laws of the state of Michigan, whose main office, according to its corporate filings with the Michigan Secretary of State is in Ann Arbor, Michigan. Pursuant to 28 U.S.C. §1348, for diversity purposes, Quicken is a citizen of Michigan. *Wachovia Bank v. Schmidt*, 546 U.S. 303, 126 S.Ct. 941, 163 L.Ed.2d 797 (2006).

• **Amount in Controversy**

5. This case involves the rights of the parties related to a mortgage loan secured by real property in Bexar County, Texas. Plaintiff claims by its suit that it is entitled to avoid the foreclosure of a loan on the property: 10143 Silverbrook Place, San Antonio, Texas 78254. Plaintiffs seek injunctive relief.

6. In actions seeking declaratory or injunctive relief, it is well established that the amount in controversy is measured by the value of the object of the litigation. *Hunt v. Wash. State*

Apple Adver. Comm'n, 432 U.S. 333, 347, 97 S.Ct. 2434, 53 L.Ed.2d 383 (1977). “[W]hen the validity of a contract or a right to property is called into question in its entirety, the value of the property controls the amount in controversy.” *Waller v. Prof'l Ins. Corp.*, 296 F.2d 545, 547–48 (5th Cir.1961). As of January 2019, the Bexar County Appraisal District values the property at issue at \$203,150.00. The amount in controversy is greater than minimum jurisdictionally required amount.

Processes, Pleadings and Orders

7. The following pleadings, papers and documents filed in the Bexar County District Court action are attached:

- Exhibit A – Plaintiff's Original Petition with Application for Temporary Injunction;
- Exhibit B - Temporary Restraining Order; and
- Exhibit C – Register of Actions (Docket Sheet);

Respectfully submitted,

ALDRIDGE PITE, LLP

/s/ Robert L. Negrin

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Attorneys for Defendant Quicken Loans,
Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing notice of removal was served on plaintiff's counsel of record pursuant to the Federal Rules of Civil Procedure on June 14, 2019, and through the District's ECF system on June 14, 2019:

Robert C. Newark, III
A Newark Firm
1341 W. Mockingbird Lane, Ste. 600W
Dallas, Texas 78247

/s/ Robert L. Negrin

Robert L. Negrin